

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|------------------------------------|---|-------------------------|
| MIDWEST TRUCK & AUTO PARTS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No.: 1:18-cv-00679 |
| v. |) | |
| |) | |
| BRENT M. BARTON, individually, and |) | |
| DRIVE LINE SERVICES OF LAS VEGAS, |) | |
| INC., a Nevada Corporation, |) | Date: N/A |
| |) | Time: N/A |
| Defendants. |) | |
| _____ |) | |

DEFENDANTS' REQUEST FOR DEFERRAL

Defendants, Brent M. Barton, individually, a Clark County, Nevada resident (“Barton”) and Drive Line Service of Las Vegas, Inc.¹, a revoked Nevada corporation (“Drive Line”)(collectively “Defendants”), by and through their attorneys, Eric A. Witter, Esq. of Witter Law Offices, LLC and Kevin B. Christensen, Esq. of Christensen James & Martin, Chtd., hereby Request that this Court, pursuant to the Standing Order regarding Mandatory Initial Discovery Pilot Project (“MIDP”), Defer:

- (i) the Defendants’ requirement to file their Answers to Plaintiff’s Complaint within the time set forth in FRCP Rule 12(a)(1-3);
- (ii) the 26(f) Conference requirement;
- (iii) the April 4, 2018 Joint Status Report; and

¹ The Defendant’s corporate name is mistakenly included in Plaintiff’s Complaint as “Drive Line Services of Las Vegas, Inc.”, which should be amended to correct “Service” and conform the name to its legal corporate designation.

(iv) the mandatory Initial Discovery Responses (collectively the “Required Filings”).

Section A(3) of the MIDP allows the Court to “defer the time for good cause while it considers a motion to dismiss based on: ...(2) lack of personal jurisdiction...”. The Defendants filed their Motions to Dismiss for Lack of Personal Jurisdiction, to Quash Plaintiffs’ Summons (and defective Service of Process) and alternative Motion to Transfer (Forum Non Conveniens) on January 31, 2018 (“Dismissal Motions”). Defendants respectfully assert that the expenditure of potentially unnecessary attorney’s fees may be avoided by the Court’s Deferral of the Required Filings.

In addition, the Parties have recently exchanged potential resolution proposals, which may require approximately thirty (30) days to exhaust good faith negotiations. Defendants certify that they are acting in good faith in an attempt to settle the Case before incurring the expense of the Required Filings. MIDP, Section A(4), appears to authorize the Court to defer the Required Filings, including Initial Discovery Responses, “for 30 days”, if the Parties are “seeking to settle the case”.

Wherefore, for good cause shown, Defendants respectfully request the Court’s Order Deferring the Required Filings until the Court has issued its Decision on the Dismissal Motions.

Dated this 5th day of February, 2018.

CHRISTENSEN JAMES & MARTIN, CHTD.

By: /s/ Kevin B. Christensen
Kevin B. Christensen, Esq.
FOR WITTER LAW OFFICES, LLC
Eric A. Witter, Esq.
Attorney for Defendants

CERTIFICATE OF SERVICE

I am an employee of Witter Law Offices, LLC. On this 29th day of January, 2018, I caused a true and correct copy of the foregoing Defendants' Request For Deferral to be served in the following manner:

✓ ELECTRONIC SERVICE: Pursuant to General Administrative Order No. 2012-10-Electronic Filing of Court Documents Pilot Project, for Circuit Court of Cook County, the document was electronically served on all parties registered in the case through the E-Filing System, including Louis J. Phillips, Esq. and Alec J. Losh, Esq., of Patzik, Frank & Samotny, Ltd., Attorneys for Plaintiff, emails LPhillips@pfs-law.com and ALosh@pfs-law.com.

— OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed on the attached service list at their last-known mailing address.

— UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed as follows:

— FACSIMILE: By sending the above-referenced document via facsimile as follows:

— EMAIL: By sending the above-referenced document to the following:

Christensen James & Martin, Chtd.
and Witter Law Offices, LLC

By: /s/ Carma Johnson
Employee of Christensen James & Martin, Chtd.